

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BNSF RAILWAY COMPANY,

Plaintiff,

CIVIL NO. 06-1076 MCA/LFG

vs.

LAFARGE SOUTHWEST, INC.; STELLA R. VALENCIA, Personal Representative of the Estate of Robert J. Valencia; and GREGORY MARTINEZ and DARLENE COLEMAN, Personal Representatives of the Estate of Carol E. Duran,

Defendants.

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STELLA R. VALENCIA, individually, and as Personal Representative of the Estate of Robert J. Valencia, JOHN KELLY VALENCIA, DESIREE RICHELLE VALENCIA, STEPHANIE ESTELLE VALENCIA, and LILLIAN S. VALENCIA,

Counter Claimants/Cross-Claimants/
Third-Party Plaintiffs,

vs.

BNSF RAILWAY COMPANY, and DARLENE COLEMAN, Personal Representative of the Estate of Carol E. Duran,

Counter-Defendants/Cross-Defendants,

MIKE TAFT, d/b/a Taft Construction;
and EL PASO NATURAL GAS COMPANY

Third-Party Defendants.

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LAFARGE SOUTHWEST, INC.

Third-Party Plaintiff/Cross-Plaintiff

vs.

DARLENE COLEMAN, individually, and as Personal Representative of the Estate of Carol E. Duran; GREG GUTIERREZ and MATTHEW RAY DURAN, individually,

Plaintiffs,

vs.

BNSF RAILWAY COMPANY; LAFARGE SOUTHWEST, INC.; STELLA VALENCIA, Personal Representative of the Estate of Robert J. Valencia; MIKE TAFT, d/b/a Taft Construction; and EL PASO NATURAL GAS CO.,

Defendants.

ORDER

THIS MATTER comes before the Court *sua sponte* following the January 21, 2009 filing of *BNSF Railway Company's Motion for Reconsideration of Order [Doc. 624] Deferring Ruling on BNSF's Sixth Motion for Partial Summary Judgment, Dismissing Certain Claims for Damages Based on Pain and Suffering [Doc. 632]*.

The Court now directs the Duran and Valencia parties to file their Response, if any, to the motion for reconsideration in an expedited fashion, on or before the noon hour, Thursday, January 29, 2009.

SO ORDERED this 27th day of January, 2009, in Albuquerque, New Mexico.



M. CHRISTINA ARMIJO
United States District Judge